

HOUSE No. 364

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F.D. Cabral

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prevent bullying.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Antonio F.D. Cabral	13th Bristol
Stephen L. DiNatale	3rd Worcester
Stephen R. Canessa	12th Bristol
Benjamin Swan	11th Hampden
Jennifer M. Callahan	18th Worcester
Ruth B. Balser	12th Middlesex
Michael F. Rush	10th Suffolk
Susan C. Fargo	Third Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Mark C. Montigny	Second Bristol and Plymouth
Cory Atkins	14th Middlesex
Louis L. Kafka	8th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PREVENT BULLYING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 71 of the General Laws is hereby amended by inserting after section 37N the following
2 section:

3 Section 37O. (a) Any teacher, school staff or administrator of a school that is required to adopt a bullying
4 prevention and intervention plan or any employee of an entity hired by such a school to perform tasks
5 which involve interaction with students, who shall have reasonable cause to believe that a child is either
6 the perpetrator or the victim of bullying on school grounds, in school vehicles, at school bus stops or at
7 school activities or school sanctioned events, shall, in addition to any reporting requirements contained in
8 plans adopted pursuant to this subsection, shall immediately report such activity by oral communication
9 to the principal or the person designated to receive said reports by the plan adopted pursuant to this
10 subsection and the superintendent and by making a written report to both within forty-eight hours after
11 such oral communication. A superintendent receiving a written report of bullying pursuant to this
12 subsection shall immediately report such activity to the juvenile unit of the local police department upon
13 completion of the investigation required by the plan adopted pursuant to this subsection if said
14 investigation finds reasonable cause to believe that a child is perpetrating or suffering from bullying. Any
15 person required by this subsection to make a report who fails to do so shall be punished by a fine of not
16 more than one thousand dollars.

17 In addition to those persons required to report pursuant to this subsection, any other person may make
18 such a report if any such person has reasonable cause to believe that a child is perpetrating or suffering
19 from bullying. No person so required to report shall be liable in any civil or criminal action by reason of
20 such report. No person making such a report voluntarily shall be liable in any civil or criminal action by
21 reason of such report if said report was made in good faith.

22 (b) In addition to any disciplinary measures contained in a bullying prevention and intervention plan
23 adopted pursuant to this subsection, any student found to have engaged in bullying shall be required to
24 attend counseling sessions established by school district in consultation with the department. If a student
25 is found to have engaged in bullying on more than one occasion, that student's parents or guardians shall
26 be required to attend said counseling sessions with said student.